



**U.S. ARMY CORPS OF ENGINEERS
REGULATORY PROGRAM
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)
NAVIGABLE WATERS PROTECTION RULE**

I. ADMINISTRATIVE INFORMATION

Completion Date of Approved Jurisdictional Determination (AJD): 3/8/2021

ORM Number: SAS-2020-00619

Associated JDs: N/A

Review Area Location¹: State/Territory: GA City: Rincon County/Parish/Borough: Effingham County

Center Coordinates of Review Area: Latitude 32.332433 Longitude -81.229683

II. FINDINGS

A. Summary: Check all that apply. At least one box from the following list MUST be selected. Complete the corresponding sections/tables and summarize data sources.

- The review area is comprised entirely of dry land (i.e., there are no waters or water features, including wetlands, of any kind in the entire review area). Rationale: N/A or describe rationale.
- There are “navigable waters of the United States” within Rivers and Harbors Act jurisdiction within the review area (complete table in Section II.B).
- There are “waters of the United States” within Clean Water Act jurisdiction within the review area (complete appropriate tables in Section II.C).
- There are waters or water features excluded from Clean Water Act jurisdiction within the review area (complete table in Section II.D).

B. Rivers and Harbors Act of 1899 Section 10 (§ 10)²

§ 10 Name	§ 10 Size		§ 10 Criteria	Rationale for § 10 Determination
N/A.	N/A.	N/A.	N/A.	N/A.

C. Clean Water Act Section 404

Territorial Seas and Traditional Navigable Waters ((a)(1) waters): ³				
(a)(1) Name	(a)(1) Size		(a)(1) Criteria	Rationale for (a)(1) Determination
N/A.	N/A.	N/A.	N/A.	N/A.

Tributaries ((a)(2) waters):				
(a)(2) Name	(a)(2) Size		(a)(2) Criteria	Rationale for (a)(2) Determination
Perennial Stream	450	linear feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	The name of this perennial stream is Bird Branch. This stream is a a(2) water, with perennial flow, that contributes surface water flow to an a(1) water, the Savannah River to the northeast.
Intermittent Stream A	75	linear feet	(a)(2) Intermittent tributary contributes	This intermittent stream serves as a tributary of Birds Branch and is directly hydrologically connected during a typical year.

¹ Map(s)/figure(s) are attached to the AJD provided to the requestor.

² If the navigable water is not subject to the ebb and flow of the tide or included on the District’s list of Rivers and Harbors Act Section 10 navigable waters list, do NOT use this document to make the determination. The District must continue to follow the procedure outlined in 33 CFR part 329.14 to make a Rivers and Harbors Act Section 10 navigability determination.

³ A stand-alone TNW determination is completed independently of a request for an AJD. A stand-alone TNW determination is conducted for a specific segment of river or stream or other type of waterbody, such as a lake, where upstream or downstream limits or lake borders are established. A stand-alone TNW determination should be completed following applicable guidance and should NOT be documented on the AJD Form.



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Tributaries ((a)(2) waters):				
(a)(2) Name	(a)(2) Size		(a)(2) Criteria	Rationale for (a)(2) Determination
			surface water flow directly or indirectly to an (a)(1) water in a typical year.	
Intermittent Stream	1080	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	This intermittent stream serves as a tributary of Birds Branch and is directly hydrologically connected during a typical year.

Lakes and ponds, and impoundments of jurisdictional waters ((a)(3) waters):				
(a)(3) Name	(a)(3) Size		(a)(3) Criteria	Rationale for (a)(3) Determination
N/A.	N/A.	N/A.	N/A.	N/A.

Adjacent wetlands ((a)(4) waters):				
(a)(4) Name	(a)(4) Size		(a)(4) Criteria	Rationale for (a)(4) Determination
Wetland A	0.50	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	This wetland directly abuts the (a)(2) water/perennial stream (Birds Branch) located to the north.
Wetland B	2.06	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	This wetland directly abuts the (a)(2) water/perennial stream (Birds Branch) located to the north.
Wetland C	0.13	acre(s)	(a)(4) Wetland separated from an (a)(1)-(a)(3) water only by a natural feature.	This wetland has a direct hydrologic surface connection in a typical year to an (a)(2) water, the perennial stream called Birds Branch, through another (a)(2) water, Intermittent Stream A.
Wetland D	26.22	acre(s)	(a)(4) Wetland separated from an (a)(1)-(a)(3) water only by a natural feature.	Wetland D continues off-site and is part of a continuous wetland system that includes Wetland C. As Wetland C has a direct hydrological surface connection to the perennial stream to the north, Wetland D is also considered an a(4) water.
Wetland E	0.18	acre(s)	(a)(4) Wetland separated from an (a)(1)-(a)(3) water only by an artificial structure allowing a direct hydrologic surface connection	This wetland has a direct hydrologic surface water connection in a typical year to Wetland D through a road culvert. Prior to road construction Wetland E would have been contiguous to Wetland D. As Wetland D is part of a larger wetland system that includes Wetland C, Wetland E is also considered an (a)(4) water.



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Adjacent wetlands ((a)(4) waters):				
(a)(4) Name	(a)(4) Size		(a)(4) Criteria	Rationale for (a)(4) Determination
			between the wetland and the (a)(1)-(a)(3) water, in a typical year.	
Wetland F	0.22	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	This wetland directly abuts the a(2) water/perennial stream (Birds Branch) located to the north.
Wetland M	0.07	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	This wetland directly abuts the a(2) water/perennial stream (Birds Branch) located to the north.
Wetland N	0.09	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	This wetland directly abuts the a(2) water/perennial stream (Birds Branch) located to the north.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
Wetland G	1.72	acre(s)	(b)(1) Non-adjacent wetland.	This feature is not adjacent to any (a)(1)-(a)(3) waters as defined by the NWPR. The wetland does not abut any (a)(1)-(a)(3) waters, is not inundated by any (a)(1)-(a)(3) waters in a typical year, is physically separated from all (a)(1)-(a)(3) waters, and does not have a direct hydrologic surface connection to any (a)(1)-(a)(3) waters in a typical year.
Wetland H	0.34	acre(s)	(b)(1) Non-adjacent wetland.	This feature is not adjacent to any (a)(1)-(a)(3) waters as defined by the NWPR. The wetland does not abut any (a)(1)-(a)(3) waters, is not inundated by any (a)(1)-(a)(3) waters in a typical year, is physically separated from all (a)(1)-(a)(3) waters, and does not have a direct hydrologic surface connection to any (a)(1)-(a)(3) waters in a typical year.
Wetland I	1.56	acre(s)	(b)(1) Non-adjacent wetland.	This feature is not adjacent to any (a)(1)-(a)(3) waters as defined by the NWPR. The wetland does not abut any (a)(1)-(a)(3) waters, is not inundated by any (a)(1)-(a)(3) waters in a typical year, is physically separated from all (a)(1)-(a)(3) waters, and does not have a direct hydrologic surface connection to any (a)(1)-(a)(3) waters in a typical year.

⁴ Some excluded waters, such as (b)(2) and (b)(4), may not be specifically identified on the AJD form unless a requestor specifically asks a Corps district to do so. Corps districts may, in case-by-case instances, choose to identify some or all of these waters within the review area.

⁵ Because of the broad nature of the (b)(1) exclusion and in an effort to collect data on specific types of waters that would be covered by the (b)(1) exclusion, four sub-categories of (b)(1) exclusions were administratively created for the purposes of the AJD Form. These four sub-categories are not new exclusions, but are simply administrative distinctions and remain (b)(1) exclusions as defined by the NWPR.



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Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination	
Wetland J	0.72	acre(s)	(b)(1) Non-adjacent wetland.	This feature is not adjacent to any (a)(1)-(a)(3) waters as defined by the NWPR. The wetland does not abut any (a)(1)-(a)(3) waters, is not inundated by any (a)(1)-(a)(3) waters in a typical year, is physically separated from all (a)(1)-(a)(3) waters, and does not have a direct hydrologic surface connection to any (a)(1)-(a)(3) waters in a typical year.
Wetland K	3.71	acre(s)	(b)(1) Non-adjacent wetland.	This feature is not adjacent to any (a)(1)-(a)(3) waters as defined by the NWPR. The wetland does not abut any (a)(1)-(a)(3) waters, is not inundated by any (a)(1)-(a)(3) waters in a typical year, is physically separated from all (a)(1)-(a)(3) waters, and does not have a direct hydrologic surface connection to any (a)(1)-(a)(3) waters in a typical year.
Wetland L	4.18	acre(s)	(b)(1) Non-adjacent wetland.	This feature is not adjacent to any (a)(1)-(a)(3) waters as defined by the NWPR. The wetland does not abut any (a)(1)-(a)(3) waters, is not inundated by any (a)(1)-(a)(3) waters in a typical year, is physically separated from all (a)(1)-(a)(3) waters, and does not have a direct hydrologic surface connection to any (a)(1)-(a)(3) waters in a typical year.

III. SUPPORTING INFORMATION

A. Select/enter all resources that were used to aid in this determination and attach data/maps to this document and/or references/citations in the administrative record, as appropriate.

Information submitted by, or on behalf of, the applicant/consultant: [ESI submitted AJD on August 25, 2020](#)

This information [Select.](#) sufficient for purposes of this AJD.

Rationale: [N/A or describe rationale for insufficiency \(including partial insufficiency\).](#)

Data sheets prepared by the Corps: [Upland Wetland Data Sheets, dated 28 July 2020](#)

Photographs: [Select. Photosheets](#)

Corps site visit(s) conducted on: [Date\(s\).](#)

Previous Jurisdictional Determinations (AJDs or PJDs): [ORM Number\(s\) and date\(s\).](#)

Antecedent Precipitation Tool: [provide detailed discussion in Section III.B.](#)

USDA NRCS Soil Survey: [Figure 3](#)

USFWS NWI maps: [Figure 4](#)

USGS topographic maps: [Figure 2](#)

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	N/A.
USDA Sources	N/A.



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Data Source (select)	Name and/or date and other relevant information
NOAA Sources	Digital Access Viewer LiDAR Data, Figure 6
USACE Sources	N/A.
State/Local/Tribal Sources	N/A.
Other Sources	FEMA, Figure 5

B. Typical year assessment(s): The data forms provided by ESI indicate that the wetland site assessment of the property was performed on 7/28/2020. Using the Antecedent Precipitation Tool Version 1.0, which used rainfall data from a nearby weather station, we have determined the delineation was conducted during the dry season (WebWIMP H2O Balance) and that “Drier than Normal” rainfall conditions were present for the nearby weather station on the date of the wetland site assessment. With regards to the site visit on 11/18/2020, the Antecedent Precipitation Tool results, which used rainfall data from a group of nearby weather stations, indicated that the site visit was conducted during the wet season (WebWIMP H2O Balance) and that “Normal” rainfall conditions were present for the nearest weather station on the date of the wetland delineation.

C. Additional comments to support AJD: [N/A](#)